

# Notice of Allowability

Application No.

09/926,400

Examiner

Blessing M. Fubara

Applicant(s)

SUGO ET AL.

Art Unit

1615

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicants remarks of 04/26/04.
2. ☒ The allowed claim(s) is/are 1-25.
3. ☒ The drawings filed on 30 January 1992 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 07/24/04.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

*S Kishore*  
Gollamudi S. Kishore, PhD  
Primary Examiner  
Group 1600  
For The Paper

### **DETAILED ACTION**

Examiner acknowledges receipt of amendment filed 05/05/04 and 04/26/04 and remarks filed 04/26/04. Examiner also acknowledges receipt of page 13 of Whittington's Dictionary of Plastics and of page 18 of Plastics Technology Handbook by Chanda and Roy.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Stefan Koschmieder on 7/21/04 and 7/23/04.

The application has been amended as follows:

In claim 3, line 5, delete "and derivatives thereof"

In claim 20, line 4 and 5, delete "and derivatives thereof"

In claim 16, line 3, replace "hydroodic" with ---hydroiodic---

In claim 25, line 2, delete " of"

### ***Allowable Subject Matter***

2. The following is an examiner's statement of reasons for allowance:

The closest prior art, Fujiwara et al. (JP 9-290272, English language translation provided by applicants, pages 1-7 of the translation), discloses nonwoven fabric that is irradiated with gamma rays. 4-vinylpyridine was graft polymerized onto the fiber by dipping the irradiated nonwoven fabric in 4-vinylpyridine solution. The nonwoven fabric after the graft polymerization was dipped in methyl iodide fluid to iodinate the vinylpyridine grafted nonwoven fabric. See number (3) of

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example 1 on pages 5 and 6. The result of the above process is the production of antimicrobial polypropylene nonwoven fabric that comprises polypropylene fibers, 4-vinylpyridine side chains and iodide ions associated with the polymer fabric. The difference between Fujiwara and the claims is that the side chain in Fujiwara is a vinylpyridine while in the instant claims, the side chain is alkylvinylalkylamide; vinylpyridine is not an alkylvinylalkylamide. Therefore, the pending claims are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

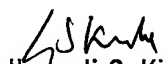
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blessing M. Fubara whose telephone number is (571) 272-0594. The examiner can normally be reached on 7 a.m. to 3:30 p.m. (Monday to Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K. Page can be reached on (571) 272-0602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Blessing Fubara  
Patent Examiner  
Tech. Center 1600

  
Gollamudi S. Kishore, PhD  
Primary Examiner  
Group 1600

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